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HB 1738 Domestic assault warrants; issuance of emergency protective orders.

A BILL to amend and reenact § 16.1-253.4

Summary:

The bill creates the presumption of further family abuse when there already exists, or there is issued, a warrant for domestic assault. Such presumption may be rebutted by the alleged abused person.

Patron: Fralin

HB 1895 Judge sentencing; court to report to Sentencing Commission of any departure from jury sentence.

A BILL to amend and reenact §§ 19.2-295, 19.2-298.01 and 19.2-303

Summary:

Requires a judge to file a written explanation of a decision to modify a jury sentence when the judge departs from the jury sentence or suspends imposition of sentence in whole or in part.

Patrons: Albo and Cosgrove

HB 1916 Family life education; requires Bd. of Education to incorporate instruction on dating violence, etc.

An Act to amend and reenact § 22.1-207.1

Summary:

Requires the Board of Education to incorporate instruction on dating violence and the characteristics of abusive relationships into its curriculum guidelines for family life education.

Patrons: Ward, Amundson, BaCote, Bulova, Crockett-Stark, Dance, Ebbin, McClellan, Miller, P.J., Shannon, Sherwood, Tyler, Waddell and Watts

HB 1921 Extortion; withholding immigration document.

An Act to amend and reenact § 18.2-59

Summary:

Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document or other government identification document and thereby extorts money, property, or pecuniary benefit is guilty of a Class 5 felony. This bill is similar to SB 815.

Patrons: Griffith and Lingamfelter

HB 1982 Protective orders; increases penalty for second offense for violation thereof.

Amends and reenacts §§ 16.1-253.2 and 19.2-120

Summary:

Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person convicted of a second or subsequent violation of a protective order. This bill is similar to SB 1237.

Patrons: Lohr and Landes

HB 2029 Victim notification; may be made through Statewide VINE System or other similar electronic system.

Amends and reenacts §§ 19.2-11.01, 53.1-133.02, and 53.1-160

Summary:

States that victim notification currently required by to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. (This bill is identical to SB972; Howell)

Patron: Sherwood

HB 2201 Interstate Compact for Juveniles; provides accountability, etc., to track juveniles across borders.

Amends and reenacts § 16.1-323 of the Code of Virginia, amends the Code of Virginia by adding a section numbered 16.1-323.1, and repeals §§ 16.1-324 through 16.1-330.

Summary:

Repeals the Interstate Compact Relating to Juveniles located in Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 and replaces it with the current version of the Interstate Compact for

Juveniles, which has already been enacted in 30 states and provides for enhanced accountability, enforcement, visibility, and communication in relation to tracking and supervising juveniles moving across state borders. Provides for an appointed five-member State Council to exercise oversight of Virginia's participation in the Compact. This bill as passed is identical to SB 1290.

Patron: McQuigg

HB 2318 Sentencing proceeding; victim impact testimony and prior convictions may be presented to jury.

Amends and reenacts § 19.2-295.1

Summary:

Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the prior criminal history and punishments imposed on the defendant for prior convictions to be presented to the jury (as opposed to current law, which allows "prior convictions"). This bill is identical to SB 1294.

Patrons: Welch and Scott, E.T.

HB 2364 Magistrates; required to deliver copy of any criminal warrant issued at request of citizen to State.

Amends and reenacts § 19.2-45

Summary:

Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. This bill is identical to SB 997.

Patron: Scott, E.T.

HB 2518 Driver's licenses; DMV not to issues to persons convicted of DUI unless proof of vehicle insurance.

Amends and reenacts § 46.2-316

Summary:

Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the three-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits that are double the minimum limits required

generally for motor vehicle liability insurance policies. The bill will apply only to policies issued or renewed on or after January 1, 2008.

Patrons: Iaquinto, Englin and Hargrove

HB 2523 Child Fatality Review Team; Chief Medical Examiner to obtain/review presentence reports.

Amends and reenacts § 32.1-283.1

Summary:

Authorizes the Chief Medical Examiner to obtain and review presentence reports of any person convicted of a crime that led to the death of a child investigated by the Child Fatality Review Team.

Patron: Iaquinto

HB 2570 Victims of crime; right to nondisclosure of certain information.

Amends and reenacts § 19.2-11.2

Summary:

Provides that no appellate decision shall contain the first or last name of the victim of a crime involving any sexual assault or sexual abuse upon the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia.

Patrons: Shannon and Caputo

HB 2576 Protective orders; extension by court.

Amends and reenacts §§ 16.1-253.1 and 20-103

Summary:

Provides that a court may extend a preliminary protective order where the party subject to the order fails to attend the hearing because he was not personally served. The extended protective order must be served as soon as possible and the extension period is limited to six months. The bill also amends provisions relating to protective orders issued pending suit for divorce, custody or visitation to provide that if the party subject to the order fails to appear at the hearing the court may extend the order for a period not to exceed six months.

Patron: Shannon

HB 2591 Sexual offenses; notify defendant prior to punishment for subsequent offenses.

Amends and reenacts § 18.2-67.5:3

Summary:

Provides that the notice that the Commonwealth is required to give to the defendant that it will seek punishment available under the "two-time loser" sex offender statute shall be given in the indictment, information or warrant.

Patrons: Janis, Athey, Cole, Cosgrove, Landes, Lohr and Sherwood

HB 2646 Emergency protective orders; issuance thereof & judge to provide protected person with forms, etc.

Amends and reenacts § 16.1-253.4

Summary:

Provides that when an emergency protective order is issued, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form used to file a petition for a preliminary protective order and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If the forms are provided to a law-enforcement officer the officer shall provide the forms to the person who is the subject of the protective order.

Patrons: Marsden, Eisenberg, Lewis, McClellan, Moran, Sickles and Valentine

HB 2660 Juveniles; investigation of social history prior to commitment.

Amends and reenacts §§ 16.1-273 and 16.1-278.7

Summary:

Requires the court to order an investigation of a juvenile's social history at the time of the juvenile's commitment if one has not been previously completed. The investigation shall be completed within 15 days of the commitment. Currently such an investigation is permissive.

Patron: Marsden

HB 2671 Sexually violent predators; civil commitment.

Amends and reenacts §§ 19.2-169.3, 37.2-900, 37.2-901 through 37.2-908, 37.2-910, and 37.2-912 of the Code of Virginia and amends the Code of Virginia by adding sections numbered 37.2-905.1 and 37.2-905.2

Summary:

Adds the following as sexually violent offenses which qualify a prisoner or incompetent defendant to be evaluated for civil commitment: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. The bill also provides that certain provisions regarding the identification, and assessment for filing a petition for commitment are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct it shall be presumed that there has been substantial compliance with the provisions. Allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General and revises the CRC's criteria for assessment and provides that a quorum is four members rather than five members. The bill grants access to a variety of records to the Department of Mental Health, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence at the probable cause hearing.

Patrons: Griffith, Athey, Cosgrove, Crockett-Stark, Hugo, Kilgore, Landes, O'Bannon, Saxman, Sherwood, Spruill and Welch

HB 2673 Jury sentencing; empanelment of new jury in event of deadlock.

Amends and reenacts § 19.2-295.1

Summary:

Provides for the empanelment of a new jury in the event of a deadlock in fixing punishment.

Patron: Griffith

HB 2749 Sex offender registration; offender to include any electronic mail address, etc. that he will use.

Amends and reenacts §§ 2.2-4006, 9.1-902, 9.1-903, 9.1-904, 9.1-912, 18.2-374.1, 18.2-374.1:1, and 18.2-374.3 of the Code of Virginia and repeals § 18.2-374.1:2

Summary:

Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill repeals § 18.2-374.1:2 but inserts similar language in § 18.2-374.1:1 relating to facilitating payment for or access to child pornography. This bill is identical to SB 1071.

Patrons: Hurt, Albo, Jones, S.C., Kilgore, Lohr, Miller, P.J., O'Bannon and Oder

HB 2923 Human Trafficking, Commission On Prevention of; created, report.

Amends the Code of Virginia by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283

Summary:

Creates a legislative Commission for the purpose of developing and implementing a State Plan for the Prevention of Human Trafficking.

Patrons: Ebbin, Abbitt, Albo, Amundson, BaCote, Brink, Callahan, Caputo, Englin, Hall, Hull, Iaquinto, Johnson, Kilgore, Lingamfelter, Marsden, McEachin, Miller, J.H., Moran, O'Bannon, Plum, Poisson, Rust, Scott, J.M., Sickles, Spruill, Suit, Tyler, Valentine, Ward and Wardrup

HB 3132 Victims of crime; employers to allow leave to attend criminal proceedings.

Amends and reenacts § 19.2-11.01 of the Code of Virginia and amends the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:2

Summary:

Requires employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work.

Patron: Moran

SB 938 Address Confidentiality Program; created.

Amends and reenacts § 2.2-515.1 of the Code of Virginia and amends the Code of Virginia by adding a section numbered 2.2-515.2

Summary:

Requires the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General to establish the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims. The bill limits its application to Arlington County with a report from the Office of The Attorney General on evaluation of the program by December 31, 2007.

Patrons: Ticer, Howell and Puller; *Delegates:* Albo, Amundson, Bulova, Caputo, Marsden, Moran, Plum, Scott, J.M. and Watts

SB 1177 Victims of crime; increases compensation.

Amends and reenacts § 19.2-368.11:1

Summary:

Compensation for crime victims. Increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000.

Patron: Stolle

SB 1237 Protective orders; increases penalty for second offense for violation thereof.

Amends and reenacts §§ 16.1-253.2 and 19.2-120

Summary:

Violation of provisions of protective orders; penalty. Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat or violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person convicted of a second or subsequent violation of a protective order. This bill is similar to HB 1982.

Patron: Obenshain

SJ 440 Commending the Criminal Injuries Compensation Fund on the occasion of its 30th anniversary.

Summary:

Commending the Criminal Injuries Compensation Fund on the occasion of its 30th anniversary.

Patron: Stolle